

ICC Docket No. 12-0321

**Commonwealth Edison Company's Response to
Illinois Commerce Commission ("STAFF") Data Requests**

ST 11.01 – 11.02

Date Received: August 21, 2012

Date Served: August 28, 2012

REQUEST NO. ST 11.01:

Mr. Fruehe states in his rebuttal testimony that the invoices for rate case expense which Staff seeks to disallow, "...are not duplicative, were not related to Docket No. 11-0721 (the costs of the initial formula rate docket amortized over three years) not included in the regulatory asset, and some of the invoices he reviewed were mislabeled." (ComEd Ex. 13.0, p. 12) The invoices to which Mr. Fruehe is referring were clearly labeled as relating to the "Formula Rate Filing" and or "ICC No. 11-0721". Please provide all documents which relate to Mr. Fruehe's claim that these invoices were not related to Docket No. 11-0721.

RESPONSE:

As Mr. Fruehe discussed in his rebuttal testimony, ComEd undertook simultaneous efforts in 2011 to prepare both an Article IX, or "traditional rate case" filing and a formula rate filing as ComEd was uncertain as to whether or not the Energy Infrastructure Modernization legislation would ultimately become law (*see* ComEd Ex. 13.0, 12:233 – 13:260). ComEd tracked the costs associated with each potential filing by assigning matter numbers to the different types of work involved. Some of the work was common to both the Article IX filing and the formula rate filing and was tracked as such until the formula rate legislation passed. These common costs are included in ComEd's request for recovery of rate case costs for ICC Docket No. 11-0721. The invoices which supported the Article IX preparation costs are the invoices which Mr. Fruehe referred to in his rebuttal testimony.

In its legal billing system ComEd creates a matter number for each task for which ComEd retains outside counsel. When ComEd undertook preparations for a 2011 distribution rate case filing, six distinct matter numbers were created:

2011-000235 – 2011 Formula Rate Filing
2011-000236 – 2011 Formula Rate Filing Expert Fees
2011-000237 – Filing Preparation (costs common to either proceeding)
2011-000238 – Filing Preparation Expert Fees (costs common to either proceeding)
2011-000239 – 2011 Rate Case (Article IX filing)
2011-000240 – 2011 Rate Case Expert Fees (Article IX filing)

For the Article IX filing preparation, ComEd's outside counsel billed to matter numbers 2011-000239 and 2011-000240. The invoices provided in the attachments to ComEd's Response to Staff Data Request ST 2.06, labeled as ST 2.06_Attach 05 and ST 2.06_Attach 11, and again in ComEd's Supplemental Response to Staff Data Request ST 2.06, labeled as ST 2.06 SUPP_Attach 04, ST 2.06 SUPP_Attach 34, and ST 2.06 SUPP_Attach 35, are labeled as matter number 2011-000239. The line item descriptions of the services provided and topics discussed

or researched support ComEd's position that these charges were not related to ICC Docket No. 11-0721. In its Supplemental Response to Staff Data Request ST 2.06, ComEd noted that the matter name description on the invoice copies provided was mislabeled. The invoices provided in ComEd's Response to Staff Data Request ST 11.02, labeled as ST 11.02_Attach 2 and ST 11.02_Attach 3, reflect the Matter Name without this reference to ICC Docket No. 11-0721.